

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 9/24/03

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS -  
BOARD OF VETERINARY MEDICAL EXAMINERS

## CONSENT ORDER

1

Board to interview all of the persons employed by the Hospital from July 1999 to the present.

The Enforcement Bureau investigators found, via the interviews and inspection of the premises, that the office was not being maintained in a clean and sanitary fashion and located expired medications. For example, the investigators found that

*never had a sick bird!*

Inspection of the bird room revealed that the cages, while containing food and water, were extremely dirty with food, feathers and feces covering the sides and bottoms of the cages. The floor of the room was covered with dirt and other debris and a foul odor was present in the room.

- Inspection of the kitchen revealed that the floor was covered with dirty newspapers, a rusty refrigerator which contained food items and a stove and sink which were covered with a dirty film.
- Inspection of the operating room revealed that the equipment, supplies and instruments were cluttered on the counters, in the cabinets and on the shelving. Additionally, filmy unknown substances were present in spots on the surfaces on much of the equipment.

*never have a single cal infection - no AB's used!*

A total of two hundred and seventy-three (273) Prescription Legend Drugs, Over the Counter medications and Controlled Dangerous Substances, which were mixed in with the current drug stock inventory, were expired; seventeen (17) from one (1) to three (3) months, forty-two (42) from three (3) months to one (1) year, and two hundred and fourteen (214) for more than one (1) year. Additionally, eleven (11) medications were misbranded as lot numbers, expiration dates, and, in one instance, the drug name, were missing.

Finally, the inspection by the Enforcement Bureau revealed that Dr. Paulus' New Jersey Controlled Dangerous Substance ("CDS") Registration was not on display and could not be produced for review at the time of the inspection. The Bureau's subsequent investigation into the matter revealed that the respondent's CDS registration expired on June 30, 2000 and had not been renewed.

Based on the above findings, the Board concludes that the respondent violated N.J.S.A. 45:16-8.2 by failing to maintain the facilities he used for the practice of veterinary medicine in a clean and sanitary condition. Further, the Board concludes that

cause for disciplinary action against Dr. Paulus exists pursuant to N.J.S.A. 45:1-21(h) for his failure to maintain his veterinary office in a sanitary fashion and pursuant to N.J.S.A. 45:1-21(e), for having engaged in professional misconduct, by maintaining numerous expired, and misbranded, medications at his practice.

It appearing that the respondent desires to resolve this matter without the need for formal disciplinary proceedings, and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board,; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS on this 24<sup>th</sup> day of September 2003

**ORDERED:**

1. The respondent, Chester W. Paulus, D.V.M., is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, totaling \$ 5,000.00 for failing to maintain his veterinary facility in a clean and sanitary condition contrary to N.J.S.A. 45:16-8.2 and N.J.S.A. 45:1-21(h). Payment for the civil penalty shall be submitted no later than ten (10) days form the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. Dr. Paulus shall cease and desist from further violation of N.J.S.A. 45:16-8.2 and shall take immediate corrective action to cause his veterinary office to be cleaned and maintained in a sanitary condition. Additionally, the respondent shall submit of proof of said completed corrective action, within thirty (30) days of the entry of this Order, to the Board, such as receipts or copies of canceled checks for cleaning services, receipts for new equipment or pictures of the cleaned facilities.

3. Respondent is hereby assessed investigative costs in the amount of **\$11,152.18** incurred by the State in this matter. Payment for the costs shall be submitted by certified check or money order made payable to the Board of Veterinary Medical Examiners and submitted to the Board no later than ten (10) days from the entry of this Consent Order. Payment shall be forwarded to Executive Director Aronson at the address enumerated in paragraph number one above.

4. In the alternative to paying the civil penalty and the costs in full no later than ten (10) days from the entry of this Consent Order, as required by paragraphs one and three respectively, payment of the penalty and costs in the aggregate amount of **16,152.18**, shall be made by the respondent in seventeen (17) equal installments of **\$900.00** per month and one (1) payment of **\$852.18**. Payment shall be made by certified check or money order made payable to the Board of Veterinary Medical Examiners and shall be sent to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45022, Newark, New Jersey 07101. Respondent shall make the first installment to the Board on June 15, 2003, in the amount of \$900.00. Subsequent monthly payments shall be made on the 15<sup>th</sup> of each month thereafter until the full amount of the penalty and costs is paid in full.

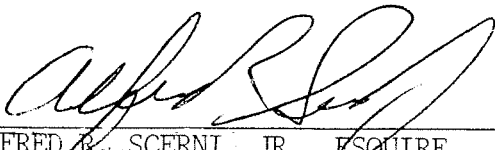
5. Dr. Paulus shall afford access to his veterinary office and shall submit to periodic and unannounced inspections by the Enforcement Bureau for the purpose of assuring the Board that he continues to maintain his office in sanitary condition. Dr. Paulus shall be responsible for the cost of such inspections. An affidavit of Costs from the Enforcement Bureau shall be submitted to Dr. Paulus subsequent to any inspection and Dr. Paulus shall submit payment in the amount of such costs no later than fifteen (15) days subsequent to his receipt of the Affidavit of Costs.

*only one person*

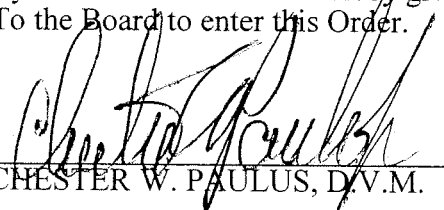
6. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may

result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By:   
ALFRED R. SCERNI, JR., ESQUIRE  
President

I have read and understand the within  
Consent Order and agree to be bound  
By its terms. Consent is hereby given  
To the Board to enter this Order.

  
CHESTER W. PAULUS, D.V.M.

DATE: 9/24/03